



## MEMORANDUM

Agenda Item No. 11(B)5

**TO:** Honorable Alex Penelas, Mayor  
Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members Board of County Commissioners

**DATE:** March 16, 2004

**FROM:** George M. Burgess  
County Manager

**SUBJECT** 2004 State Legislative  
Priorities

Attached please find an updated list of the County's 2004 State Legislative Priorities, including a final list of County appropriations requests. The State Legislative Priorities have been developed by the Office of Intergovernmental Affairs with input from the Board, Department Directors and Assistant County Managers. As you will recall, these items were given preliminary approval by the Board in November. The list of priorities has since been updated to include additional items identified by Members of the Board and also omits items determined by departments to be unnecessary after further investigation

Of particular concern to the County during this year's session is the final implementation of Revision 7 / Article V. Attached is a memorandum dated January 20, 2004 setting forth a number of unresolved Article V issues, which includes recommended legislative positions to be advanced by the County's intergovernmental affairs team.

As in the past, please note that in addition to specific items included in this package, Miami-Dade County will support compatible and concurrent legislative efforts of our municipalities and several entities including: the Tri-County Commission; the Florida Association of Counties; the Florida League of Cities; the Florida Police Chiefs Association; the Florida Ports Council; the Florida Airports Council, the Miami-Dade County Public Schools; the 11th Judicial Circuit; the Miami-Dade County Expressway Authority; the Miami-Dade County Health Department; Friends of the Library and various local chambers of commerce

The Office of Intergovernmental Affairs and members of my staff remain available to assist you in monitoring these legislative priorities and identifying opportunities for individual Board Members to advocate for them in Tallahassee directly with legislators or before legislative committees.

Thank you for your consideration.

Assistant County Manager

**MIAMI-DADE COUNTY  
2004 STATE LEGISLATIVE PRIORITIES**

**CRITICAL ISSUES**

**COST SHIFTS/BUDGET CUTS:**

- OPPOSE any legislation which diminishes the County's revenue streams and any additional cost shifts from the State to Miami-Dade County.
- PROTECT the benefits Miami-Dade County receives from existing revenue sharing formulas for local governments.

**ARTICLE V/REVISION 7:**

- SUPPORT legislation that would provide a source of revenue to repay Miami-Dade County revenue bonds for courthouse construction and financing.
- SUPPORT passage of an Article V glitch bill that is consistent with the constitutional amendment passed by voters in 1998 and that would complete the final phase of Article V implementation of state funding of the state court system. Specific recommendations are included in the attached memorandum from the County Manager.

**SENIOR CITIZENS:**

- SUPPORT legislation and/or budget funding that provide meals or other dietary intake services to the elderly.
- SUPPORT the Haitian Senior Focal Point which assists elderly citizens by providing outreach services, educations and training activities.
- SUPPORT the development of a Constitutional Amendment freezing the tax assessments on property of low-income senior citizens receiving homestead exemption.
- SUPPORT legislation extending the provisions and benefits of Florida's "Save Our Seniors" Constitutional amendment to Miami-Dade's Children Services Surtax.

**CHILDREN'S SERVICES:**

- MONITOR and SUPPORT the development of a universal, voluntary pre-kindergarten program and legislation consistent with the intent of the voter approved Universal Pre-K Constitutional Amendment. OPPOSE efforts to weaken or eliminate the Universal Pre-K Constitutional Amendment.
- SUPPORT legislation amending the State's Independent Living Transition Services statute, also known as the Road To Independence Act, to eliminate eligibility requirements for mandatory services for older children in foster care; list an essential range of services under the Participation in Life Skills subsection; broaden the eligibility for Aftercare Support Services and the Road to Independence Scholarship Program for young adults formerly in foster care. SUPPORT extending the Court's jurisdiction to ensure compliance by the Department of Children and Families with provisions of the statute.
- SUPPORT the Florida Coalition for Children's initiative to determine the cost of a sound child welfare system in the State of Florida. This in turn, would support the development of an equitable cost allocation formula.
- SUPPORT increased funding to improve child-care quality, standards and safety.
- SUPPORT expansion of community involvement and volunteerism within the child welfare arena through additional funding, not limited to but including the guardian-ad-litem programs and foster care citizen review boards.
- SUPPORT increased funding that would provide a guardian-ad-litem for every child in the dependency system.
- PRESERVE the annual \$400,000 appropriation made to Miami-Dade's Foster Care Review Board.
- SUPPORT increased funding for front-end prevention and early intervention programs which would reduce the number of children and families entering the welfare system.

- SUPPORT a Community-Based Care Block Grant Pilot for District 11, so that the Department of Children and Families District would be able to transition the foster care system from State care to community based care.
- SUPPORT increased funding for the expansion of the Florida KidCare Program to provide coverage for immigrant children, the extension of Medicaid eligibility to reach working poor parents up to 200% of the federal poverty guidelines.
- SUPPORT changes in the Court's jurisdiction to ensure compliance by the Department of Children and Families with provisions of the statute.
- MONITOR and provide clarification for the development of the recently adopted Local Funding Revenue Maximization Act of 2003, Chapter No. 2003-146 so that lead agencies are empowered to understand and pursue opportunities for its implementation and SUPPORT the renewal of TANF and other revenue maximizing initiatives.

#### **COUNTY MEDICAID NURSING HOME AND HOSPITAL INPATIENT SERVICES:**

- OPPOSE legislation that increases the County contribution cap or adds day(s) to the County's responsibility for Medicaid Hospital Inpatient Services.
- SUPPORT legislation that sustains or expands health care programs with recurring state funds.

#### **PREEMPTION/COUNTY CHARTER AUTHORITY:**

- OPPOSE any legislation that preempts county or municipal government from acting in an area it currently regulates or otherwise hinders or restricts county administration or legislative authority.
- MAINTAIN local control.
- OPPOSE legislation which would weaken the Miami-Dade County Home Rule Charter, the Office of the Mayor, Board of County Commissioners and the County Administration.
- OPPOSE other legislative efforts that weaken the County's authority including any effort to impose a state-mandated Aviation Authority.

#### **JUVENILE JUSTICE FUNDING:**

- SEEK adequate funding for Miami-Dade County's juvenile justice system, including continued state support for the Juvenile Assessment Center and the Juvenile Alternative Sanctions Program.

### **TRANSPORTATION**

#### **REGIONAL TRANSPORTATION:**

- SUPPORT legislation that removes the referendum requirement from the additional \$2 license tag fee as an additional source of funding for the Regional Transportation Authority created during the 2003 Legislative Session.

#### **SURFACE TRANSPORTATION FUNDING:**

- OPPOSE redirecting any funding that provides for current or future county transportation or other needs to fund the High Speed Rail initiative.
- SEEK funds to continue innovative WAGES bus routes that were funded for just one year.
- SEEK funds to reimburse the County for the Medicaid Transportation Program.

#### **AVIATION FUNDING:**

- SUPPORT full funding for the Secure Airports for Florida's Economy (SAFE) program created by the legislature.
- SUPPORT full funding of Aviation Capital Projects included in FDOT's FY 2005 work program.

#### **SEAPORT FUNDING:**

- SUPPORT continued funding of the Sunshine State Loan Program and the Florida Port Council's efforts in securing funding sources for Florida's seaports.
- SUPPORT retaining the Council's current organizational structure and funding review process.

- SUPPORT continued funding from other Florida Department of Transportation funds to assist the Port in its dredging and off-port access improvement projects.

#### **TRANSPORTATION DISADVANTAGED PROGRAM:**

- SUPPORT legislation that would provide additional state funding for the transportation-disadvantaged program.

#### **STATE ROAD NAMING:**

- SUPPORT the designation of a portion of N.W. 103<sup>rd</sup> Street in honor of the late Senator William H. Turner.

#### **AIRPORT AND SEAPORT SAFETY:**

- SUPPORT legislation aimed at ensuring the safety, security and providing necessary funds for the Miami-Dade County Airport and Seaport.

#### **SEAPORT:**

- OPPOSE any legislation requiring the imposition of any tax, fee, surcharge on cruise lines and or its passengers, unless such initiative is endorsed by the cruise line industry.
- SUPPORT an amendment to Florida Statute 790.06 License to Carry Concealed Weapon or Firearm, prohibiting persons from carrying concealed weapons or firearms into any seaport restricted area and/or area of seaport cargo operations.

#### **TRANSIT:**

- SUPPORT legislation to modify Chapter 316, and 322.61 to reflect new federal guidelines regarding Commercial Driver's Licenses.

#### **PRIVATE SCHOOL BUS REGULATION:**

- SUPPORT legislation authorizing counties to periodically inspect private school buses, applying the same standards used for public school buses.

### **HUMAN SERVICES/HOUSING**

#### **COUNTY HEALTH SERVICES:**

- SUPPORT state funding for county health initiatives and programs, including continued and expanded state support for Jackson Memorial Hospital and the Public Health Trust. Priorities include budgetary language that ensures full funding for the Disproportionate Share Program, Kidcare/Healthy Kids, and the Medically Needy Program.

#### **MENTAL HEALTH/BAKER ACT REFORM:**

- SUPPORT efforts to provide adequate community based treatment where people with mental health illnesses avoid incarceration.
- SUPPORT legislation creating a workgroup of key stakeholders to assess the mental health population and evaluate available community services with regard to reforming the current Baker Act Law.

#### **HOUSING & HOMELESS PROGRAMS:**

- SUPPORT funding for targeted funding initiatives within Miami-Dade County including the Crisis Outplacement Housing and Services for Homeless Mentally Ill.
- SUPPORT the SHIP program and preserving a dedicated funding source for affordable housing initiatives.
- SUPPORT legislation that would streamline the escheatment tax deed process to expedite the sale of property for infill housing purposes.
- SUPPORT increased funding and legislation that provides emergency placements for young adults to prevent homelessness.

## **PUBLIC SAFETY**

### **MIAMI-DADE POLICE:**

- SUPPORT legislation requiring the Florida Department of Highway Safety and Motor Vehicle to retain documents relating to vehicle titles in a format approved for use in court.
- SUPPORT legislation to correct a provision of Florida Law that prevents prosecution for forging traffic citations.
- SUPPORT legislation allowing for warrantless arrests for misdemeanors committed on public transit outside of the presence of a police officer.

### **PRE-TRIAL RELEASE:**

- OPPOSE legislation that would adversely affect the Pre-Trial Release program and increase county detention costs.

### **EMERGENCY TRANSPORTATION PLANS:**

- SUPPORT legislation that requires private schools and licensed day care providers within 10 miles of a nuclear power plant to develop and maintain emergency evacuation transportation plans for their facility population.

### **FIREWORKS REGULATION:**

- SUPPORT legislation that requires the purchaser of fireworks to provide proof of exemption or a permit issued by the local fire authority.

### **PYROTECHNICS:**

- SUPPORT legislation that would prohibit the use of pyrotechnics, such as those that caused the tragic fire in a Rhode Island nightclub.

### **TRAFFIC FINE REVENUE/COUNTY-WIDE RADIO SYSTEM:**

- OPPOSE legislation that decreases or diverts traffic fine revenues that Miami-Dade County receives annually to support its inter-agency radio system.

### **DIAL-A-LIFE:**

- SUPPORT legislative or administrative action that would transfer State surplus cell phones to the Miami-Dade County Dial-A-Life Program.

### **CELLULAR TELEPHONES:**

- SUPPORT legislation prohibiting a person holding a learner's driver's license from using a cellular telephone while operating a motor vehicle.

### **MOTOR VEHICLE ACCIDENT/TREE REPLACEMENT:**

- SUPPORT legislation that increases penalties against the driver of a motor vehicle who is involved in a minor traffic accident and who leaves the vehicle blocking the operating lanes of a public highway, when damages to the driver or injuries to the vehicle allow the vehicle to be moved.
- SUPPORT legislation that provides enhanced penalties, payable to the local governmental entity so affected, against the owner of a motor vehicle involved in a traffic accident when the accident causes permanent damage to trees and other vegetation along the public highways.

## **ENVIRONMENTAL & WASTE MANAGEMENT**

### **FLOOD MITIGATION:**

- SUPPORT continued efforts to address flood mitigation projects in the South Florida area flood zones.

- SUPPORT Project Impact a drainage program for the residents of unincorporated Miami Dade.

#### **WATER AND SEWER PROJECTS:**

- SUPPORT continued funding for the State Revolving Fund providing low interest loans for eligible water and wastewater system projects.
- SUPPORT legislation that maintains local control over feasibility, reuse, water pricing and comprehensive planning activities.

#### **WATER USE:**

- SUPPORT existing Florida water law, as it relates to local sources first, existing legal uses, and every other provision in law that protects the state's water resources, including its authority to reserve water for the natural system.
- OPPOSE the creation of a new statewide water board to oversee the existing regional Water Management Districts or any change in water resource management law that would facilitate privatization of water supplies or the redistribution of water resources of the State from one watershed to another.
- SUPPORT the South Florida Water Management District efforts to find ways to increase water resources through storage, in the most expeditious and cost-effective manner possible, consistent with the objectives of the Comprehensive Everglades Restoration Plan (CERP).
- SUPPORT positive alternative water supply projects and adequate state funding, prior to any consideration of revisions to Chapter 373.

#### **WASTE-TO-ENERGY:**

- OPPOSE any state legislation allowing utility deregulation that limits or impairs waste to energy production. Ensure that the term "renewable energy" includes electricity generated from incinerated municipal solid waste.
- MAINTAIN the current state of the law which defines waste to energy as renewable, sets the standards for the purchase of power from renewable sources and grants tax credits.

#### **SOLID WASTE MANAGEMENT:**

- SUPPORT reinstatement of statewide funding proposals related to solid waste management services including the Recycling and Education Grant program, the Litter Control and Prevention Grant program and the Waste Tire Grant program.

#### **FLORIDA FOREVER:**

- SUPPORT full funding of the Florida Forever program and any other environmental program that provides county and municipal matching funds.

#### **BEACH EROSION:**

- SUPPORT continued full funding for the Florida Beach Erosion Control program.

### **ECONOMIC DEVELOPMENT, FINANCE AND ADMINISTRATION**

#### **FILM & ENTERTAINMENT**

- SUPPORT efforts to secure additional state economic development funds to strengthen the Florida's film and entertainment industry, including incentives to attract additional on-location television and film projects to locales throughout Florida, including Miami-Dade County.

#### **EMPOWERMENT ZONE:**

- SUPPORT State funding for the federal empowerment zone program. Such funding will greatly enhance economic development, job training, neighborhood project investment and the Capital Venture Discretionary Fund which makes equity investments in business opportunities within the Empowerment Zone.

#### **LEVERAGED LEASE:**

- SUPPORT amendments to Section 196.199 F.S. to facilitate leveraged lease transactions.

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## **GENERAL GOVERNMENT**

### **BUILDING AND LICENSING:**

- SUPPORT maintaining the level of protection offered by the Miami-Dade product evaluation and appraisal process and enforcement.
- SUPPORT increased local disciplinary power and funding for licensing violators and unlicensed building activity.
- SUPPORT legislation allowing local governments to assess a reasonable fee for inspection of elevators by building officials or private contractors.
- SUPPORT building code compliance amendments to Section 489.119 F.S. to repeal provisions passed last session in Chapter No. 2003-257 that reduced bonding requirements on large construction projects.
- SUPPORT legislation amending F.S. 489.127 to allow State licensed contractors to be held responsible for open expired permits they have obtained in the past.

### **ZONING:**

- SUPPORT legislation amending section 333.03 of the Florida Statutes to allow the reducing or removing of the prohibition on building schools contained in 333.03. The section prohibits schools within a box around any airport one-half the length of the longest runway and within a rectangle, 5 miles out from either end of the runway, and half the length of the longest runway across.

### **CONSUMER SERVICES PROTECTION:**

- SUPPORT legislation that allows for local control of consumer services issues such as: predatory lending, motor vehicle repair shop charges, used auto warranties, and auto title loans.
- OPPOSE any legislation that intends to weaken local control on current regulated industries such as wrecker services/towing, communications tax, general consumer services, ambulances, and for-hire-transportation vehicles.

### **311 PROGRAM:**

- SUPPORT legislation to extend the 311 pilot program in Miami-Dade County.

### **911 SERVICES:**

- SUPPORT legislation to increase the fee for services from 50 cents to 1 dollar per month.

### **VOTER EDUCATION & EQUIPMENT REIMBURSEMENT:**

- Seek reimbursement for all expenses related to voter education, ADA compliance, and enhanced voting equipment made available to local governments through federal law.

### **ENTERPRISE ZONE:**

- SUPPORT legislation that expands the Miami-Dade County Enterprise Zone to include the Miami Metro Zoo, Miami International Airport, and the area surrounding both facilities. The designated Enterprise Zone offers fiscal incentives to business and could assist in the development of increased economic activity and job growth in the area surrounding the Miami Metro Zoo.
- SUPPORT funding efforts and the reauthorization/sunset extension of the Enterprise Zone program.

### **RETAINAGE / SURETY BONDS:**

- OPPOSE any legislation that would affect the County's ability to negotiate construction contracts as it relates to retainage and surety bonds.

### **VALUE ADJUSTMENT BOARD:**

- SUPPORT legislation that would allow property appraisers sufficient time to assemble, prepare and provide the responsive information to taxpayers who appeal their property assessment.

**ETHICS COMMISSION:**

- SUPPORT legislation to amend current state law that allows the Florida Commission on Ethics and the Miami-Dade County Commission on Ethics concurrent jurisdiction to allow for disposal of complaints after a full and fair proceeding in the interest of undue hardship as an inefficient use of limited resources.

**RETAIL SALES OF ALCOHOLIC BEVERAGES:**

- SUPPORT legislation allowing local governments the ability to regulate the retail sale of refrigerated or cooled individual containers of alcoholic beverages in order to deter any person from operating a motor vehicle, vessel, or heavy equipment under the influence of alcoholic beverages.

**LIVING WAGE:**

- SUPPORT legislation clarifying the County's authority to impose a living wage on County permittees, as recommended by the Governor in his letter to the Secretary of State dated June 4, 2003.

**BERT J. HARRIS ACT:**

- OPPOSE legislation that would waive sovereign immunity for property rights claims under the Bert J. Harris Act.

**CULTURAL AND RECREATIONAL INITIATIVES****CULTURAL AND HISTORICAL GRANTS:**

- SUPPORT legislation that restores funding for cultural and historical entities within Miami-Dade County to FY 2002 -2003 levels, reactivates the Department of State's annual review and legislative appropriations process, and reestablishes the Corporations Trust fund as the dedicated funding source for cultural programs.

**LIBRARY FUNDING:**

- SUPPORT increased funding for the state-funded library program for each dollar of local expenditure as provided in s. 257.17 F.S.
- SUPPORT the Department of State's 2004/2005 budget that brings State Aid to Libraries grant program to a funding level of \$43,530,000 or 10.05 cents of every \$1.00 of local funds spent for the operation and maintenance of a library.

**PARKS AND RECREATION:**

- SUPPORT funding for all Miami-Dade County Park applications for state funding through the FRDAP and Florida Communities Trust 2001 Florida Forever grant programs.
- SUPPORT full funding for Hidden Ruins of Tropical America and FDOT's Rails to Trails Greenway program, the Department of Environmental Protection's Invasive Plant Management, and the South Florida Water Management District's Biscayne Bay Regional Restoration at Deering Estate – Cutler Ridge.



## APPROPRIATIONS REQUESTS

### **NATURAL & ENVIRONMENTAL RESOURCE MANAGEMENT**

Miami River Dredging Federal Channel	\$2,000,000
Miami River Dredging Non-Federal Channel	\$4,000,000
Miami River Operating Capital	\$200,000
Beach Erosion Control	\$3,500,000
FEC Borrow Canal Dredging	\$4,000,000
Biscayne Bay Surface Water Quality Monitoring (SWIM)	\$200,000
Biscayne Bay Surface Water Quality Model	\$200,000
Miami River Basin 21 Retrofit Capital Improvement	\$1,000,000
C-6 Watershed Planning	\$750,000
Solid Waste Programs Grant Funding (Waste Tire, Electronics, Recycling)	\$1,500,000
Country Walk Sanitary Sewer Facilities	\$1,000,000
Perrine Cutler Ridge Sanitary Sewer Improvements	\$1,000,000
NW 79 <sup>th</sup> Street Sanitary Sewer Improvements	\$500,000
Emergency Generators #4 & #5 at Central District Wastewater Treatment Plant	\$500,000

### **EMPOWERMENT ZONE TRUST**

Miami-Dade Empowerment Trust's Revitalization Initiative	\$5,000,000
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### **HOMELESS TRUST**

Crisis Outplacement Housing and Services for Homeless Mentally Ill	\$1,000,000
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### **HUMAN SERVICES**

Miami-Dade Housing Crime Prevention	\$2,400,000
Respite Care for Persons with Disabilities	\$77,000
High Risk Nutritional Program for Elders	\$1,200,000

### **JUVENILE SERVICES**

Juvenile Alternative Services Program/JASP	\$1,200,000
Juvenile Assessment Center-JAC	\$729,000

### **COMMUNITY ACTION AGENCY**

Youth Leadership Project	\$90,000
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### **CULTURAL AFFAIRS & PUBLIC LIBRARIES**

State Aid to Public Libraries	\$2,900,000
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### **PUBLIC SAFETY & PARKS AND RECREATION**

Animal Services Capital Improvements	\$1,700,000
Learn to Swim	\$200,000
Metro Zoo's Dr. Wilde's World	\$535,000
Metro Zoo's Hidden Treasures of Tropical America	\$6,000,000
South Dade Greenways	\$1,000,000
Deering Estate-Cutler Glade Rehydration Addition	\$924,000
Join a Team Not a Gang	\$200,000
Miami West Park	\$225,000
Homestead Surplus Property	\$350,000

### **PERFORMING ARTS CENTER OF GREATER MIAMI**

Funding for Regional Cultural Facilities Grant Program	\$2,500,000
(Statewide funding would provide grants of \$2.5 million/year over an eligibility period of 4 years)	

### **TRANSPORTATION**

North Corridor Metrorail extension	\$5,000,000
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## MEMORANDUM

**TO:** Honorable Mayor Alex Penelas  
Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** January 20, 2004  
and Members, Board of County Commissioners

**FROM:** George M. Burgess  
County Manager

A handwritten signature in dark ink, appearing to read "Burgess", is written over a horizontal line.

**SUBJECT:** Report on Article V

When the Board of County Commissioners accepted the 2004 Preliminary State Legislative Plan in November, it was noted that a separate, more detailed discussion and recommendation concerning various Article V-related issues would be provided at a later date. The following report provides additional information regarding the final implementation of Revision 7 of Article V, and includes specific legislative positions to protect the County's interests and the integrity of Revision 7, as adopted by voters. This memorandum will be incorporated by reference into the County's 2004 Final Legislative Plan, which will be submitted to the Board for consideration in February.

In 1998, Florida voters approved Revision 7 which amended Article V of the Florida Constitution. As adopted, Revision 7 requires the State to assume a greater role in funding Florida's court system. It also provides counties with certain funding responsibilities related to court facilities, security, and existing criminal justice information systems among others. This past summer, during Special Session A, the Legislature enacted Chapter 2003-402, Laws of Florida (HB 113A) to further implement Revision 7, leaving final implementation to the 2004 Regular Session. In order to effectively channel the County's Article V efforts I appointed an Article V Coordinator tasked with working with our Intergovernmental Affairs team, various County departments, and liaison with our circuit's judicial entities as well as the Florida Association of Counties in preparation for legislative changes during the upcoming Regular Session.

The funding structure created by HB 113A is one of grave concern to counties across Florida but especially to Miami-Dade. The following list describes the major provisions of concern raised by the passage of HB 113A and their estimated fiscal impact to the County; as well as our recommended course of action:

- Bonded Court Fees

Effective July 1, 2004, Section 149 of HB 113A repeals provisions that authorized counties to impose by ordinance incremental filing fees. Miami-Dade pledged such fees for debt service to finance the construction of courthouse facilities. Miami-Dade will no longer receive the revenue generated by the increment to filing fees used to service the

outstanding bond debt. The total amount borrowed is \$178.7 million of which approximately \$130 million is outstanding.

Annual debt service payment .....\$7.6 million

SUPPORT legislation that secures a source of revenue to repay Miami-Dade County revenue bonds for courthouse construction and financing.

- Facilities

The revised filing fees schedule in HB 113A discontinues the incremental filing fees authorized to generate revenues to support facility improvements. Although the final legislation did not address court costs currently assessed to support court facility improvements, previous versions and the proposed glitch bill topics include the elimination of this authorization as well. This funding has been used to supplement county funding for facilities improvements, information technology, and other programs.

Filing fees ..... \$4.5 million

Assessed costs ..... \$1.5 million

SUPPORT legislation that allows for incremental filing fees to support court enhancements and preserves authorized court assessments to fund court facility improvements (§ 939.18, F.S.).

- Technology / Communications

Section 45 of HB 113A requires counties to pay for technology used by the courts, including all computer equipment; local and long distance service; enhancement and upgrades to criminal justice systems; and support staff among other items. This section also mandates counties to fund courier and subpoena expenses of the court. Although many of these services are integral to the state court system, they lie beyond the counties' obligations under Article V.

Technology ..... \$6,000,000

Courier & Subpoena ..... \$5,600,000

SUPPORT legislation that defines the counties' funding obligations in a manner consistent with Article V.

- Prosecution of Local Ordinances

Section 30 of HB 113A imposes a \$200 filing fee on counties and municipalities for filing a county or municipal code violation in court. Moreover, HB 113A prohibits counties and municipalities from contracting with the state attorney and public defender for the prosecution and defense of those violations. Beyond the significant fiscal impact to counties and municipalities, these provisions create a chilling effect on the prosecution of local ordinances.

\$200.00 filing fee ..... \$5,400,000  
(Prosecution and defense costs to be determined)

SUPPORT legislation that eliminates the \$200 filing fee or establishes a more reasonable fee structure and allows counties and municipalities to contract with the state attorney and public defender to effectively prosecute violations of local ordinances.

- "Gap Funding" for Enumerated Elements of the State Court System

Based on the legislative budget request developed by the Trial Court Budget Commission (TCBC), the Circuit will receive less funding per fiscal year than currently required to support the elements enumerated in HB 113A (if funded as submitted). This shortfall will impact primarily expert witness costs and alternative dispute resolution / mediation.

Circuit's estimated shortfall <sup>1</sup> ..... \$3,000,000

- Court Programs <sup>2</sup>

Numerous court programs and other areas of importance are severely impacted by HB 113A. Some court-related programs are impacted by the elimination of the incremental filing fees while others are impacted as a result of the elimination of traffic surcharges.

Law Library ..... \$1,800,000

Legal Aid ..... \$1,600,000

Teen Court <sup>3</sup> ..... \$1,450,000

<sup>1</sup> Should the final appropriation be less than the TCBC's legislative request, all areas of court administration would be impacted and the shortfall would be greater.

<sup>2</sup> The estimates provided only represent the fiscal impact to select court programs resulting from the elimination of incremental filing fees and/or traffic fines surcharges and do not represent the full operating budget of those programs.

Honorable Alex Penelas, Mayor  
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an Members, Board of County Commissioners  
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Public Guardianship ..... \$457,000

Court programs such as **Drive Legal** and **Self Help**, which are funded entirely by fees collected from program participants, would cease to exist unless the Legislature enacts amendments providing authority for the collection of program fees. In addition, in order to preserve grant funded programs such as **Dependency Drug Court** and **Juvenile Drug Court** the Circuit would require the County to act as fiscal agent, unless the State authorizes Circuit Courts to receive and administer grant funds.

There are a number of other court-related activities not considered part of the essential elements as defined by HB 113A. Some of these activities may be requested by the Chief Judge as part of the district's local options/requirements. However, final funding recommendation will be made at the discretion of the Board of County Commissioners. These activities include, but are not limited to, Judicial Support<sup>4</sup>, Fatality Review Team, Grants Administration, Process Servers, County Court Mental Health Project, General Court Administration<sup>5</sup>, Family Court Services, and Civil Court Interpreters (\$2.6 million).

SUPPORT legislation that provides revenue sources to preserve valuable court programs and activities.

There are additional issues requiring corrective action by the Legislature such as ensuring that certain county expenses and/or funding responsibilities are redirected to the State as required by Revision 7 of Article V. Our staff and Intergovernmental Affairs team continue to work with the Florida Association of Counties and other jurisdictions to present a cohesive and well coordinated effort to the State Legislature in order to address the challenges presented by HB 113A. As the legislative session nears, I will ensure that you continue to be informed of our progress.

c: Honorable Joseph P. Farina, Chief Judge  
Honorable Harvey Ruvin, Clerk of Courts  
Robert Ginsburg, County Attorney

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<sup>3</sup> Teen Court is a program administered by the Metro-Miami Action Plan Trust and the operated in conjunction with the Miami-Dade County Public Schools, the Florida Department of Juvenile Justice District 11, and the State Attorney.

<sup>4</sup> Historically, the County has provided funding for support to the judiciary, including health and life insurance, supplies for judges and their immediate support staff.

<sup>5</sup> Amount projected by the Circuit to provide for the necessary administration of operations that will continue to be County-funded.